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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,051	11/21/2001	Kevin M. Ferguson	7217 US	4466

30078 7590 09/21/2005

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/992,051	Applicant(s) FERGUSON, KEVIN M.	
	Examiner Trang U. Tran	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-6.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed Aug. 26, 2005 have been fully considered but they are not persuasive.

In re page 4, applicant states that in response to applicant's prior arguments the Examiner states that the claimed invention does not limit to a single input video source and contains two different input video sources (?where?) as taught by Wilson; that the claimed "up-sampling the slower rate video signal to the desired rate" is anticipated by the up-sampling of the color components (but not the luminance, i.e., not the video signal as a whole) in Wilson; and that the claimed adaptive filtering is met by the time filter of Wilson because the filter has a feedback loop to generate the smooth interpolated video signal (?where?) based on the equations disclosed (col. 11, line 45 – col. 12, line 10).

In response, it is noted that claim 1 recites "An apparatus for providing a smooth interpolated video signal at a desired rate from a lower rate video signal comprising". Because the word "comprising", the apparatus of claim 1 does not limit to a single video source and can contains two different input video sources. It is noted that video signal has three components, luminance Y and two color components Cb and Cr. When the color components are up-sampled, the video signal as a whole would be up-sampled because the color components are parts of the video signal. Fig. 5 of Wilson shows the filter has a feedback loop.

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In re pages 4-6, applicant asks the examiner where is there any video signal at the output of the time filter? And argues that the spatial sampling of the different video components of the input video signal so that all of the components have a common spatial resolution which is not the same as up-sampling the video signal as a whole to the desired rate and that Wilson's time filters contrast coefficients as opposed to a video signal and produces filtered frequency components as opposed to a smoothed interpolated video signal.

In response, the examiner respectfully disagrees. It is noted that the time filter is operating on coefficients. It is also noted that the coefficients are generated from the video signal and represent the video signal. Since the coefficients represent the video signal, the time filter is operating on the video signal.

As discussed above, it is noted that the video signal has three components, luminance Y and two color components Cb and Cr. When the color components are up-sampled, the video signal as a whole would be up-sampled because the color components are parts of the video signal. Thus, the partial up-sampling of Wilson anticipates the claimed "up-sampling the slower rate video signal to the desired rate". Since the time filter of Wilson has feedback loop and the coefficients represent the video signal, the claimed "adaptively filtering the up-sampled slower rate video signal...to produce the smooth interpolated video signal" is anticipated by the time filter of Wilson.

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In re page 6, applicant argues, with respect to claims 2 and 6, that computing a set of contrast thresholds for each color and DCT frequency which is not at all the same as restoring a DC level to a video signal.


In response, the examiner respectfully disagrees. The set of contrast thresholds $T(c, v, u)$ disclosed in col. 12, lines 14-60 of Wilson would restore the contrast of the video signal and would also restore the DC level of the video signal. Thus, the set of contrast thresholds $T(c, v, u)$ of Wilson anticipates the claimed "restoring a direct current level for the smooth interpolated video signal".

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT
September 14, 2005


BRIAN YENKE
PRIMARY EXAMINER